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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,704	02/10/2004	Gregg S. Schmidke	200312789-1	3454
22879	7590	10/26/2005		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER LEA EDMONDS, LISA S	
			ART UNIT 2835	PAPER NUMBER

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/776,704	SCHMIDTKE ET AL.	
	Examiner	Art Unit	
	Lisa Lea-Edmonds	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11-14, 16-21, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 15, 22, 23, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The examiner of record has considered the information disclosure statement (IDS) submitted on 02/10/04.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 9, 11-14, 16-21, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Freige et al. (5420750). With respect to claims 1-6, 8, 9, and 11-14, Freige et al. teaches a data apparatus (CB) comprising an open-backed housing having a front wall (12), and first and second side walls (4, 5); and an open-backed portion defined between the first and second side walls (4, 5); whereby the open-backed portion is disposed to interchangeably receive any of a plurality of discrete, similarly-sized modules (31A-31F) therein, further comprising top and bottom plates (3, 7) connected to the front and side walls (12, 4, 5), wherein the top and bottom plates (3, 7) are removable, wherein the open-backed portion is selected from the group consisting of a fully open back portion and a partially open back portion, wherein the plurality of discrete, similarly-sized modules are of a standard module size, wherein the plurality of

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discrete, similarly-sized modules includes a module selected from the group consisting of an alignment panel module, a cartridge reader module, a cartridge writer module, a cartridge read/write module and a cartridge storage magazine (31-E, 31-FA, 31-FB), wherein the housing is adapted to receive at least one cartridge storage magazine, the cartridge storage magazine (D1-D3) being adapted to receive at least one data cartridge, wherein the housing has at least one cartridge storage magazine door (DC) defined therein, wherein the housing has a control panel defined therein (see column 8 lines 47-50), further including a system controller selected from the group consisting of a host computer, a network connection (31-D) and a control panel, wherein the apparatus is an apparatus selected from the group consisting of a single plane apparatus and a multi-plane apparatus, and wherein the housing is adapted to be disposed in a system selected from the group consisting of a single plane system, a multi-plane system, a multi-plane stack system and a multi-plane rack mounted system. With respect to claims 16-21, Freige et al. teaches a data system comprising a housing comprising a front wall (12), and first and second side walls (4, 5); and a back portion defining an opening; and a plurality of separate modules (31A-31F), whereby each of the plurality of separate modules (31A-31F) fits interchangeably within the opening of the back portion, wherein the opening of the back portion of the housing is coactive with each of the separate modules to receive any one of the plurality of separate modules (31A-31F) therein, wherein each of the separate modules (31A-31F) is separately coactive with the opening of the back portion of the housing to fit there within, wherein the opening of the back portion defines a standard opening size into which each of the

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plurality of separate modules (31A-31F) are standardly-sized to be received, further including a system controller selected from the group consisting of a host computer, a network (31-D) and a control panel, wherein the system being defined having a capacity selected from the group consisting of a single plane and a multi-plane. With respect to method claims 24 and 25, Freige et al. teaches a method for configuring a data system comprising: providing a data system comprising: a housing having a front wall, and first and second side walls; and a back area defined between the first and second side walls, the back area having an opening defined therein; and a plurality of discrete similarly-sized modules; whereby the opening in the back area of the housing is disposed to interchangeably receive any of the plurality of discrete similarly-sized modules therein selecting a discrete one of the similarly-sized modules; and, inserting the selected one of the discrete modules into the opening, further comprising selecting a second discrete module; and interchangeably inserting the second module in the opening. Insomuch as Freige et al. teaches the apparatus as claimed in claims 1 and 16 above.

Allowable Subject Matter

3. Claims 7, 10, 15, 22, 23, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: with respect to claim 7, patentability resides, at least in part, in the housing having a device selected from the group consisting of a cartridge access device, a cartridge

access robotic device, a cartridge access pick and place device, and a vertical lift assembly, disposed in operative relationship therein, in combination with the other limitations of the base claim; with respect to claim 10, patentability resides, at least in part, in the housing has at least one cartridge storage magazine door defined therein and, the at least one cartridge storage magazine door has at least one of the devices selected from the group consisting of an associated magazine door lock, magazine door solenoid, and magazine door sensing apparatus, connected in operable relationship therewith, in combination with the other limitations of the base claim; with respect to claims 15, 22, 23, 26, and 27, patentability resides, at least in part, in the housing being places in a multi-plane data storage system, a multi-plane stack system, and/or a multi-plane rack system (as defined see ¶ [0003]), in combination with the other limitations of the base claim.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Reasoner et al. (6483710), Sauer et al. (5816673), Neville, Jr. Et al. (6181552), Felcman et al. (6055152), Sim et al. (6178086, 6134115), and Hobbs et al. (5877938).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835

2005-10-21